



The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards
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**FILING A COMPLAINT AGAINST A LICENSED CONSTRUCTION SUPERVISOR
-AN OVERVIEW OF THE COMPLAINT PROCESS-**

Introduction:

In accordance with section MGL c 143 § 94(I) & section 108.3.5 of the Massachusetts State Building Code (780 CMR), the Board of Building Regulations and Standards (BBRS) issues licenses to individuals responsible for the supervision of construction, remodeling and renovation of one and two family dwellings and buildings of less than 35,000 cubic feet of enclosed space. The State Building Code provides exemptions from the licensing requirement for the following construction activities;

Roofing, siding; the erection of rooftop solar collectors; the construction of swimming pools; the erection of signs and; the installation of replacement windows not involving structural modifications and all buildings (except 1 or 2 family dwellings) over 35,000 cf of enclosed space. (Refer to 780 CMR 108.3.5.2 for complete list of exemptions)

A construction supervisor's license is issued after successful completion of an examination related to the Massachusetts State Building Code and demonstration of necessary construction experience as required by 780 CMR R-5, "*Construction Supervisors*".

The BBRS has established a License Review Committee (the Committee) which has jurisdiction over disciplinary matters relative to Licensed Construction Supervisors. Disciplinary action can only occur after receipt of a written complaint and only after a hearing in which all interested parties are afforded the opportunity to address the Committee.

The License Review Committee is not authorized to adjudicate contractual disputes and must limit its hearings to alleged violations of the Massachusetts State Building Code. The License Review Committee comprises three members of the BBRS as appointed by the chairman.

What happens when a complaint is filed?

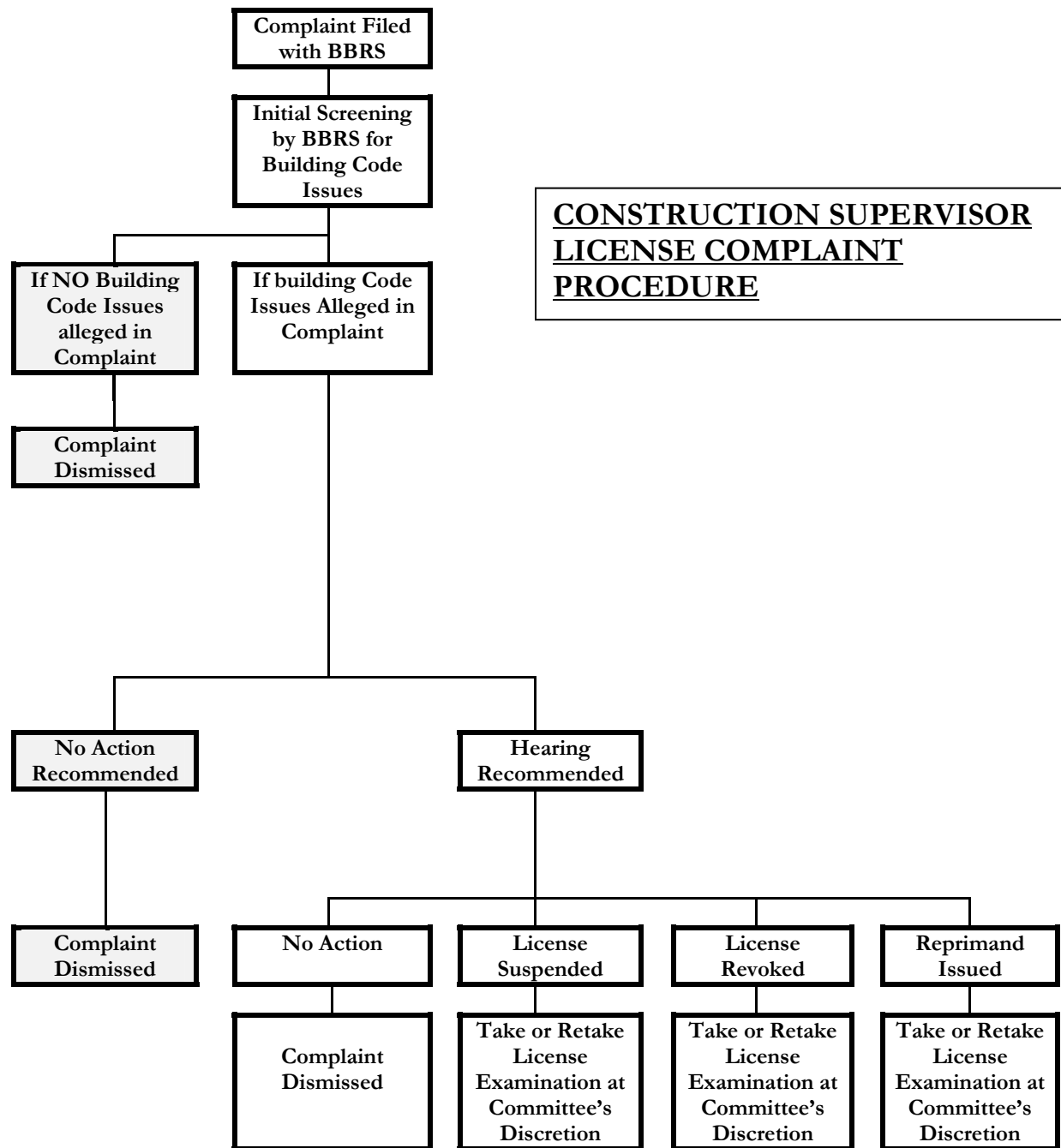
If building code violations are alleged in the complaint, the BBRS will forward the complaint to a District State Building Inspector of the Department of Public Safety for investigation. Following the investigation, the District State Building Inspector will recommend to the BBRS whether, or not, a disciplinary hearing should be held. If the District State Building Inspector recommends that a hearing should not be held, the case is dismissed. If the District State Building Inspector finds that there is probable cause to hold a hearing, the Construction Supervisor License Review Committee will schedule a hearing to determine whether disciplinary action should be taken against the license holder. Disciplinary action may be in the form of a reprimand, license revocation, license suspension and/or an order to take or retake the Construction Supervisor Examination. Hearings are held in accordance with MGL c 30A § 13 and 801 CMR 1.02.

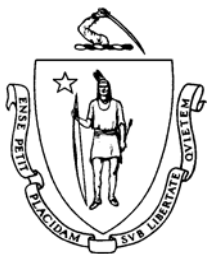
If building code violations are not part of the complaint, the complaint will be dismissed for lack of jurisdiction.

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What filing a written complaint will not achieve.

The License Review Committee cannot award damages or order repairs to property. The jurisdiction of the Committee is to determine whether disciplinary action should be taken against a license holder and if so, to determine the extent of the disciplinary action.





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Kerry Healey
Lieutenant Governor

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Deputy Administrator

Home Improvement Contractor Registration/Construction Supervisor License Complaint Application Form

In order to file a complaint against a person registered as a Home Improvement Contractor and/or a Construction Supervisor License holder, this form must be filled out completely and submitted to the Board of Building Regulations and Standards ("BBRS"). Submission of a complaint will not automatically result in a hearing against the contractor. Filing a complaint with the BBRS will not result in a monetary award to you. This complaint may result in disciplinary action against the contractor's registration or license. You will be notified in writing of any hearing scheduled relative to the contractor named in your complaint. Please refer to the Department of Public Safety website (www.mass.gov/dps) prior to filing a complaint to ensure that the circumstances of your case fit within the prerequisites for filing a complaint.

1. Your information: (Please type or print neatly)

Name: _____

Address: _____

Address of property at issue: _____

Day Phone: () _____ Fax: () _____ E-mail _____

2. License holder / Registered contractor:

Contractor name: _____

Business name: _____

Business address: _____

Phone: () _____

Date contract signed: ____ / ____ / ____ Amount of contract: \$ _____

3. Does the contractor who aggrieved you hold the following: (please circle the number below)

1. Home Improvement Contractor registration ---- (HIC) # _____

2. Construction Supervisor License ----- (CSL) # _____

3. Unregistered Contractor

4. FOR COMPLAINTS INVOLVING HOME IMPROVEMENT CONTRACTORS:

Please circle the number of any of the following acts (in accordance with G.L. c.142A) which you allege took place in your dealings with the HIC registrant:

1. Operating without a certificate of registration issued by the Department;
2. Abandoning or failing to perform, without justification, any contract or project engaged in or undertaken by a registered contractor or subcontractor, or deviating from or disregarding plans or specifications in any material respect without the consent of the owner;
3. Failing to credit to the owner any payment they have made to the contractor or his salesperson in connection with a residential contracting transaction;
4. Making any material misrepresentation in the procurement of a contract or making any false promise of a character likely to influence, persuade or induce the procurement of a contract;
5. Knowingly contracting beyond the scope of the registration as a contractor or subcontractor;
6. Acting directly, regardless of the receipt or the expectation of receipt of compensation or gain from the mortgage lender, in connection with a residential contracting transaction by preparing, offering or negotiating; or attempting to or agreeing to prepare, arrange, offer or negotiate a mortgage loan on behalf of a mortgage lender;
7. Acting as a mortgage broker or agent for any mortgage lender;
8. Publishing, directly or indirectly, any advertisement relating to home construction or home improvements which does not contain the contractor's or subcontractor's certificate of registration number or which does contain an assertion, representation or statement of fact which is false, deceptive, or misleading;
9. Advertising in any manner that a registrant is registered under this chapter unless the advertisement includes an accurate reference to the contractor's or subcontractor's certificate of registration;
10. Violation of the building laws of the commonwealth or of any political subdivision thereof;
11. Misrepresenting a material fact by an applicant in obtaining a certificate of registration;
12. Failing to notify the Department of any change of trade name or address as required by section thirteen;
13. Conducting a residential contracting business in any name other than the one in which the contractor or subcontractor is registered;
14. Failing to pay for materials or services rendered in connection with his operating as a contractor or subcontractor where he has received sufficient funds as payment for the particular construction work, project or operation for which the services or materials were rendered or purchased;
15. Failing to comply with any order, demand or requirement lawfully made by the administrator or fund administrator under and within the authority of this chapter;
16. Demanding or receiving payment in violation of clause (6) of paragraph (a) of section (2) which states: "a time schedule of payments to be made under said contract and the amount of each payment stated in dollars, including all finance charges. Any deposit required under the contract to be paid in advance of the commencement of work under said contract shall not exceed the greater of one-third of the total contract price or the actual cost of any materials or equipment of a special order or custom made nature, which must be ordered in advance of the commencement of work, in order to assure that the project will proceed on schedule. No final payment shall be demanded until the contract is completed to the satisfaction of the parties thereto;"
17. Violating any other provision of chapter 142A.

5. Please provide a detailed description of the acts or omissions committed by the licensee/registrant that lead you to file this complaint. When possible, please cite to the applicable section of the MA State Building Code. (The Code can be found at www.state.ma.us/bbrs).

6. Please attach any documents that you would like to have considered as part of this complaint. For example:

- A copy of the **building permit** and application (**Required for CSL complaints**)
- Copies of cancelled checks or receipts for payments to the contractor
- Photographs
- A copy of the contract
- A copy of the building plans
- Copies of any relevant court judgments or documents
- Copies of any correspondence with the contractor, or any other party, regarding the contract or the complaint

7. I hereby affirm that the information contained in this complaint package is true and accurate to the best of my knowledge and belief.

Signed under pains and penalties of perjury:

_____/_____/_____
Signature Date

8. Please send 1 copy to the following:

9. DO NOT STAPLE ANY PAPERS!

Program Coordinator
Board of Building Regulations and Standards
HIC/CSL Program
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Boston, MA 02108